



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 32

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 32 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevention of Tobacco Use by Minors and  
5 Sale and Distribution of Tobacco Products Act is amended by  
6 changing Sections 1.5 and 2 as follows:

7 (720 ILCS 675/1.5)

8 Sec. 1.5. Distribution of alternative nicotine products  
9 and vapor products to and possession by persons under 18 years  
10 of age prohibited.

11 (a) For the purposes of this Section:

12 "Alternative nicotine product" means any  
13 non-combustible product containing nicotine that is  
14 intended for human consumption, whether chewed, absorbed,  
15 dissolved, or ingested by any other means. "Alternative  
16 nicotine product" does not include any vapor product,

1 smokeless tobacco, or other tobacco product as these terms  
2 are defined in this Act and cigarettes, nor any product  
3 regulated as a drug or device by the United States Food and  
4 Drug Administration under Chapter V of the Food, Drug and  
5 Cosmetic Act.

6 "Vapor product" means any non-combustible product  
7 containing nicotine that employs a heating element, power  
8 source, electronic circuit, or other electronic chemical  
9 or mechanical means, regardless of shape or size, that can  
10 be used to produce vapor from nicotine in a solution or  
11 other form. "Vapor product" includes any electronic  
12 cigarette, electronic cigar, electronic cigarillo,  
13 electronic pipe, or similar product or device and any vapor  
14 cartridge or other container of nicotine in a solution or  
15 other form that is intended to be used with or in an  
16 electronic cigarette, electronic cigar, electronic  
17 cigarillo, electronic pipe, or similar product or device.

18 "Vapor product" does not include any product regulated as a  
19 drug or device by the United States Food and Drug  
20 Administration under Chapter V of the Food, Drug and  
21 Cosmetic Act.

22 ~~, "alternative nicotine product" means a product or~~  
23 ~~device not consisting of or containing tobacco that~~  
24 ~~provides for the ingestion into the body of nicotine,~~  
25 ~~whether by chewing, smoking, absorbing, dissolving,~~  
26 ~~inhaling, snorting, sniffing, or by any other means.~~

1       ~~"Alternative nicotine product" excludes cigarettes,~~  
2       ~~smokeless tobacco, or other tobacco products as these terms~~  
3       ~~are defined in Section 1 of this Act and any product~~  
4       ~~approved by the United States Food and Drug Administration~~  
5       ~~as a non tobacco product for sale as a tobacco cessation~~  
6       ~~product, as a tobacco dependence product, or for other~~  
7       ~~medical purposes, and is being marketed and sold solely for~~  
8       ~~that approved purpose.~~

9       (b) A person, either directly or indirectly by an agent or  
10      employee, or by a vending machine owned by the person or  
11      located in the person's establishment, may not sell, offer for  
12      sale, give, or furnish any alternative nicotine product or  
13      vapor product, or any cartridge or component of an alternative  
14      nicotine product or vapor product, to a person under 18 years  
15      of age.

16      (c) Before selling, offering for sale, giving, or  
17      furnishing an alternative nicotine product or vapor product, or  
18      any cartridge or component of an alternative nicotine product  
19      or vapor product, to another person, the person selling,  
20      offering for sale, giving, or furnishing the alternative  
21      nicotine product or vapor product shall verify that the person  
22      is at least 18 years of age by:

23           (1) examining from any person that appears to be under  
24           27 years of age a government-issued photographic  
25           identification that establishes the person is at least 18  
26           years of age or

1           (2) for sales made though the Internet or other remote  
2 sales methods, performing an age verification through an  
3 independent, third-party age verification service that  
4 compares information available from public records to the  
5 personal information entered by the person during the  
6 ordering process that establishes the person is 18 years of  
7 age or older.

8           (d) A minor under 18 years of age shall not possess an  
9 alternative nicotine product or vapor product.

10 (Source: P.A. 98-350, eff. 1-1-14.)

11 (720 ILCS 675/2) (from Ch. 23, par. 2358)

12 (Text of Section after amendment by P.A. 98-1055)

13 Sec. 2. Penalties.

14 (a) Any person who violates subsection (a) or (a-5) of  
15 Section 1 or subsection (b) or (c) of Section 1.5 of this Act  
16 is guilty of a petty offense. For the first offense in a  
17 24-month period, the person shall be fined \$200 if his or her  
18 employer has a training program that facilitates compliance  
19 with minimum-age tobacco laws. For the second offense in a  
20 24-month period, the person shall be fined \$400 if his or her  
21 employer has a training program that facilitates compliance  
22 with minimum-age tobacco laws. For the third offense in a  
23 24-month period, the person shall be fined \$600 if his or her  
24 employer has a training program that facilitates compliance  
25 with minimum-age tobacco laws. For the fourth or subsequent

1 offense in a 24-month period, the person shall be fined \$800 if  
2 his or her employer has a training program that facilitates  
3 compliance with minimum-age tobacco laws. For the purposes of  
4 this subsection, the 24-month period shall begin with the  
5 person's first violation of the Act. The penalties in this  
6 subsection are in addition to any other penalties prescribed  
7 under the Cigarette Tax Act and the Tobacco Products Tax Act of  
8 1995.

9 (a-5) Any person who violates subsection (a) or (a-5) of  
10 Section 1 or subsection (b) or (c) of Section 1.5 of this Act  
11 is guilty of a petty offense. For the first offense, the  
12 retailer shall be fined \$200 if it does not have a training  
13 program that facilitates compliance with minimum-age tobacco  
14 laws. For the second offense, the retailer shall be fined \$400  
15 if it does not have a training program that facilitates  
16 compliance with minimum-age tobacco laws. For the third  
17 offense, the retailer shall be fined \$600 if it does not have a  
18 training program that facilitates compliance with minimum-age  
19 tobacco laws. For the fourth or subsequent offense in a  
20 24-month period, the retailer shall be fined \$800 if it does  
21 not have a training program that facilitates compliance with  
22 minimum-age tobacco laws. For the purposes of this subsection,  
23 the 24-month period shall begin with the person's first  
24 violation of the Act. The penalties in this subsection are in  
25 addition to any other penalties prescribed under the Cigarette  
26 Tax Act and the Tobacco Products Tax Act of 1995.

1 (a-6) For the purpose of this Act, a training program that  
2 facilitates compliance with minimum-age tobacco laws must  
3 include at least the following elements: (i) it must explain  
4 that only individuals displaying valid identification  
5 demonstrating that they are 18 years of age or older shall be  
6 eligible to purchase cigarettes or tobacco products; (ii) it  
7 must explain where a clerk can check identification for a date  
8 of birth; and (iii) it must explain the penalties that a clerk  
9 and retailer are subject to for violations of the Prevention of  
10 Tobacco Use by Minors and Sale and Distribution of Tobacco  
11 Products Act.

12 (b) If a minor violates subsection (a-7) of Section 1 or  
13 subsection (d) of Section 1.5 he or she is guilty of a petty  
14 offense and the court may impose a sentence of 25 hours of  
15 community service and a fine of \$50 for a first violation. If a  
16 minor violates subsection (a-6) of Section 1, he or she is  
17 guilty of a Class A misdemeanor.

18 (c) A second violation by a minor of subsection (a-7) of  
19 Section 1 or subsection (d) of Section 1.5 that occurs within  
20 12 months after the first violation is punishable by a fine of  
21 \$75 and 50 hours of community service.

22 (d) A third or subsequent violation by a minor of  
23 subsection (a-7) of Section 1 or subsection (d) of Section 1.5  
24 that occurs within 12 months after the first violation is  
25 punishable by a \$200 fine and 50 hours of community service.

26 (e) Any second or subsequent violation not within the

1 12-month time period after the first violation is punishable as  
2 provided for a first violation.

3 (f) If a minor is convicted of or placed on supervision for  
4 a violation of subsection (a-6) or (a-7) of Section 1, the  
5 court may, in its discretion, and upon recommendation by the  
6 State's Attorney, order that minor and his or her parents or  
7 legal guardian to attend a smoker's education ~~or youth~~  
8 ~~diversion~~ program if that program is available in the  
9 jurisdiction where the offender resides. Attendance at a  
10 smoker's education ~~or youth diversion~~ program shall be  
11 time-credited against any community service time imposed for  
12 any first violation of subsection (a-7) of Section 1. In  
13 addition to any other penalty that the court may impose for a  
14 violation of subsection (a-7) of Section 1, the court, upon  
15 request by the State's Attorney, may in its discretion require  
16 the offender to remit a fee for his or her attendance at a  
17 smoker's education ~~or youth diversion~~ program.

18 (f-1) If a minor is convicted of or placed on supervision  
19 for a violation of subsection (d) of Section 1.5, the court  
20 may, in its discretion, and upon recommendation by the State's  
21 Attorney order that minor and his or her parents or legal  
22 guardian to attend a youth diversion program if that program is  
23 available in the jurisdiction where the offender resides.  
24 Attendance at a youth diversion program shall be time-credited  
25 against any community service time imposed for any first  
26 violation of subsection (d) of Section 1.5. In addition to any

1 other penalty that the court may impose for a violation of  
2 subsection (d) of Section 1.5, the court, upon request by the  
3 State's Attorney, may in its discretion require the offender to  
4 remit a fee for his or her attendance at a youth diversion  
5 program.

6 (g) For purposes of this Section:

7 "Smoker's , ~~"smoker's~~ education program" or ~~"youth~~  
8 ~~diversion program"~~ includes, but is not limited to, a  
9 seminar designed to educate a person on the physical and  
10 psychological effects of smoking tobacco products and the  
11 health consequences of smoking tobacco products that can be  
12 conducted with a locality's youth diversion program.

13 "Youth diversion program" includes, but is not limited  
14 to, a seminar designed to educate a person on the physical  
15 and psychological effects of using nicotine products,  
16 alternative nicotine products, and vapor products and the  
17 health consequences of using nicotine products,  
18 alternative nicotine products, and vapor products that can  
19 be conducted with a locality's youth diversion program.

20 (h) All moneys collected as fines for violations of  
21 subsection (a), (a-5), (a-6), or (a-7) of Section 1 or  
22 subsection (b), (c), or (d) of Section 1.5 shall be distributed  
23 in the following manner:

24 (1) one-half of each fine shall be distributed to the  
25 unit of local government or other entity that successfully  
26 prosecuted the offender; and

1           (2) one-half shall be remitted to the State to be used  
2           for enforcing this Act.

3           Any violation of subsection (a) or (a-5) of Section 1 or  
4           subsection (b) or (c) of Section 1.5 shall be reported to the  
5           Department of Revenue within 7 business days.

6           (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16.)".